

REMARKS

Applicant appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of January 11, 2006 (hereinafter "Office Action"). In response, Applicant has amended the Specification to address the Section 112 and Section 101 objections/rejections. Applicant has also amended independent Claims 1, 9, and 17 to correct minor informalities. Applicant submits that the cited references fail to disclose or suggest all of the recitations of independent Claims 1, 9, and 17. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Objection to the Drawings/Specification

The drawings and Specification stand objected to because FIG. 12 "does not appear to show 'workbooks for employees linked via hyperlink from a web site allowing a user to click on an employee workbook and obtain data.'" (Office Action, pages 2 and 3). In response, Applicant has amended the Specification at page 10, line 5 to remove the reference to FIG. 12. Applicant respectfully submits that the objections to the Drawings and Specification have been overcome by this amendment.

Objection to the Claims

Independent Claims 1, 9, and 17 stand objected to because of a missing word. (Office Action, page 3). In response, Applicant has amended independent Claims 1, 9, and 17 to correct this informality.

Section 101 Rejections

Independent Claims 9 and 17 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. (Office Action, page 4). Turning first to independent Claim 9, the Office Action states that "the claimed means are interpreted as software per se, which is functional descriptive material per se and therefore non-statutory." Applicant respectfully

disagrees, the recitations of independent Claim 9 are written in means plus function form. According to Section 2181, part II of the Manual Of Patent Examining Procedure (MPEP), "35 U.S.C. 112 sixth paragraph states that a claim limitation expressed in means-plus-function language 'shall be construed to cover the corresponding structure described in the specification and equivalents thereof.' 'If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112.' *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc)." The functionality recited in independent Claim 9 is described, for example, with reference to FIG. 4 at page 8, line 24 through page 10, line 19. Moreover, the Specification explains that the blocks shown in FIG. 4 can be implemented by computer program instruction stored in a computer-readable memory and/or other hardware as follows:

It will be understood that each block of the flowchart and/or block diagram illustrations, and combinations of blocks in the flowchart and/or block diagram illustrations, may be implemented by computer program instructions and/or hardware operations. These computer program instructions may be provided to a processor of a general purpose computer, a special purpose computer, or other programmable data processing apparatus to produce a machine, such that the instructions, which execute via the processor of the computer or other programmable data processing apparatus, create means and/or circuits for implementing the functions specified in the flowchart and/or block diagram block or blocks.

These computer program instructions may also be stored in a computer usable or computer-readable memory that may direct a computer or other programmable data processing apparatus to function in a particular manner, such that the instructions stored in the computer usable or computer-readable memory produce an article of manufacture including instructions that implement the function specified in the flowchart and/or block diagram block or blocks.

The computer program instructions may also be loaded onto a computer or other programmable data processing apparatus to cause a series of operational steps to be performed on the computer or other programmable apparatus to produce a computer implemented process such that the

instructions that execute on the computer or other programmable apparatus provide steps for implementing the functions specified in the flowchart and/or block diagram block or blocks. (Specification, page 8, lines 2 - 23).

Applicant submits that the Specification provides structural support for the means plus function recitations of independent Claim 9 in the form of FIG. 4 and the description reproduced above explaining that the blocks of FIG. 4 may be implemented in hardware and/or as computer program instructions stored in a computer-readable memory. Accordingly, Applicant respectfully submits that Claim 9 and the claims that depend therefrom meet all the requirements of 35 U.S.C. §101.

Turning next to independent Claim 17, the Office Action states that this claim "recites a storage medium but the medium can be interpreted as a signal (e.g., "propagation medium," page 4) and thus the claim is non-statutory. Furthermore, page 4 of the specification includes paper as a computer readable medium, and thus the claim covers non-functional descriptive material, which is non-statutory." (Office Action, page 4). While Applicant does not concede that a signal and paper are non-statutory examples of a computer-readable storage medium, to advance prosecution and to facilitate an early allowance of the present application, Applicant has amended the paragraph beginning at page 4, line 20 of the Specification to remove the references to a "propagation medium" and the computer-readable medium being paper. Accordingly, Applicant respectfully submits that Claim 17 and the claims that depend therefrom meet all the requirements of 35 U.S.C. §101.

Independent Claims 1, 9, and 17 are Patentable

Independent Claims 1, 9, and 17 stand rejected under 35 U.S.C. § 103 as being unpatentable over United States Patent Publication No. 2004/0110191 to Handsaker et al. (hereinafter "Handsaker") in view of United States Patent No. 6,359,892 to Szlam (hereinafter "Szlam"). (Office Action, page 5). Independent Claim 1 is directed to a method of querying an employee database and recites, in part:

defining a plurality of query criteria;

querying the employee database by applying respective ones of the query criteria to respective ones of a plurality of employees;
providing a plurality of folders, respective ones of the plurality of folders corresponding to respective ones of the plurality of query criteria; and
creating a plurality of workbooks containing results from querying the employee database for respective ones of the plurality of folders,
respective ones of the plurality of workbooks being associated with respective ones of the plurality of employees that have results for respective ones of the plurality of query criteria corresponding to respective ones of the plurality of folders.

Independent Claims 9 and 17 include similar recitations. As highlighted above, an employee database is queried and workbooks, which are respectively associated with the employees, are then created to store the results of the query. In sharp contrast, Handsaker describes a system in which workbooks are created by a user, administrator, system and/or automated process. (Handaker, paragraph 44). Handsaker explains that a system 300 (FIG. 3) is used to generate and process workbooks. (Handaker, paragraph 71). Applicant cannot find any disclosure in Handsaker that describes the generation of workbooks that contain the results of a query operation of an employee database. The Office Action cites FIG. 5 of Handsaker as showing a query of an employee database (Office Action, page 5). Applicant respectfully disagrees with this interpretation of FIG. 5. As explained in paragraph 115 of Handsaker, FIG. 5 illustrates a view of a virtual workbook 205 using the network browser module 350. Rather than being a query of an employee database, the query shown in FIG. 5 of Handsaker is actually a query of a virtual workbook.

The Office Action cites Szlam as teaching the use of folders for storing information. (Office Action, page 5). Applicant submits, however, that even if Handsaker and Szlam were to be combined, their teachings do not disclose or suggest providing folders corresponding to respective ones of the plurality of query criteria as Handsaker merely describes a browser that can be used to query a workbook and does not provide any teaching with respect to reserving storage locations for query criteria. Moreover, Applicant submits that there would be no motivation to combine the teachings of Handsaker and Szlam because Handsaker contains no disclosure therein about the desirability of organizing the workbooks in separate locations.

In re: Charles Atchison
Serial No.: 10/624,320
Filed: July 22, 2003
Page 13 of 14

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1, 9, and 17 are patentable over Handsaker in view of Szlam, and that dependent Claims 2 - 8, 10 - 16, and 18 - 24 are patentable at least by virtue of their depending from an allowable claim.

In re: Charles Atchison
Serial No.: 10/624,320
Filed: July 22, 2003
Page 14 of 14

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 39072

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on April 11, 2006.



Traci A. Brown